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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,804	06/26/2003	Do-Woo Kang	K-0532	2798
34610	7590	06/29/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,804

Applicant(s)

KANG ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The abstract of the disclosure is objected to because the use of legal terminology such as "disclosed" should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 1 is objected to because of the following informalities: In line 4, "blcok" should be changed to --block--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites, "if a test mode is "use_sa==no sa"". This limitation is clear or is not properly defined in the claim.

Claim 7 has not been considered on the merit.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Gaal [US 2003/0148761].

Gaal discloses a method and apparatus for testing assisted position location capable (mobile) devices having GPS function. According to Gaal, the apparatus comprises: a test block and a test user interface for testing a performance of the mobile station, wherein apparatus tests the performance by operating the test block driven through the test user interface. See figures 1 and 3.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Rimoni [US 2003/0045281].

Rimoni discloses a mobile transceiver state machine testing device for testing performance of a mobile stations having GPS function. The apparatus, according to Rimoni, comprises a test block and a test user interface for testing a performance of the mobile station, wherein apparatus tests the performance by operating the test block driven through the test user interface. See figures 2 and 3.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaal [US 2003/0148761] in view of Rimoni [US 2003/0045281].

Gaal discloses a GPS simulator (14), a base station simulator (12) and an assisted position capable device (10). As shown in figure 3, the apparatus includes a test user interface for testing a performance of the mobile station. Gaal discloses GPS radio frequency signals and CDMA rf signal (page 2). The block test, according to Gaal generates status information of the mobile station, acquisition assistance (AA) data message and sensitivity assistance (SA) data message. Gaal also discloses a plurality of test commands and generates test status information and test results (page 2). As set forth on page 1, for example, the AA and SA data messages are defined by an IS801 protocol. In addition, Gaal discloses Doppler test mode (page 1, 8-9). According also to Gaal, the apparatus also performs a pilot phase measurement (PPM) search operation and a global positioning system (GPS) search operation using the AA data message and a sensitivity assist data message in a second state (pages 8-9). Although Gaal discloses, on page 3, a personal computer (PC), wherein the PC may act as a controller and utilizes data stored in a database, Gaal does not particularly teach a keypad/display for inputting user test command and displaying test results. Rimoni, on the other hand, discloses a mobile transceiver state machine testing device, wherein the apparatus includes a keypad (console) for inputting test command and a display (6) for outputting test results. See also pages 3 and 4. Furthermore, Rimoni discloses an idle state and traffic state (figure 1A). Thus, it would have been obvious to one skilled in the art at the time of the invention to

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be motivated to modify the method and apparatus of Gaal by incorporating the features from the testing device of Rimoni because such modification would enable an operator (user) to define more flexible procedures, thus improving the system (see Rimoni at page 4).

Allowable Subject Matter

10. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not particularly teach in case of testing the sensitivity, the present mode is changed to a GPS continuous mode to proceed the performance test, a rate of success s is continuously updated ($s=m/n*100$) as the number n of proceedings and the number m of successes are simultaneously counted, and the updated rate of success is displayed.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,011,830	Sasin et al	Jan. 2000
6,308,065	Molinari et al	Oct. 2001
6,625,448	Stern	Sep. 2003

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER